

Western Australia

Liquid Petroleum Gas Act 1956

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Liquid Petroleum Gas Act 1956

An Act to Regulate the Standard, Sale, and Delivery of Liquid Petroleum Gas; and to amend certain Acts relating to Production and Distribution of Gas.

1. Short title and citation

This Act may be cited as the *Liquid Petroleum Gas Act 1956*¹.

2. Commencement

This Act shall come into operation on a day to be fixed by proclamation¹.

3. Amendment of related Acts Schedule

The Acts mentioned in the respective Parts of the Schedule to this Act are amended and may be cited as prescribed in that Schedule.

4. Interpretation

In this Act unless the context requires otherwise —

“**Director**” means the Director of Energy Safety referred to in section 5 of the *Energy Coordination Act 1994*;

“**gas**” means liquid petroleum gas;

“**liquid petroleum gas**” means a liquid which is a mixture of hydro-carbons basically consisting of Butanes or Butenes or Propane or Propene, or any mixture of all or any of them, and which it is intended to sell;

“**person**” without affecting the meaning given to the expression, “**person**” by sections 4 and 26 of the

*Interpretation Act 1918*², includes association, firm, and body corporate;

“**public notice**” means a notice published in the *Gazette*;

“**to sell**” means to sell by wholesale or retail or both, and includes to barter, to supply for sale, to receive for sale, to have in possession for sale, to send forward or to deliver for sale, to cause or to suffer or to allow to be sold; and inflections and derivatives of the verb, “**to sell**” have correlative meanings;

“**standard**” used in relation to gas, means the standard declared for the time being by the Director.

[Section 4 amended by No. 89 of 1994 s.105.]

[5. *Repealed by No. 89 of 1994 s.106.]*

6. Director must fix standard

- (1) The Director shall fix and by public notice declare, the standard for gas for sale in the State.
- (2) In fixing the standard, the Director may declare —
 - (a) as the minimum heating value of gas, the minimum number of megajoules (net) which 1 kilogram of gas must produce by combustion;
 - (b) as the maximum heating value of gas, the maximum number of megajoules (net) which 1 kilogram of gas must produce by combustion;
 - (c) that gas must not contain any impurities, or more impurities than the quantity specified in the notice;
 - (d) that gas must not contain any substance, which, if the gas is used for lighting or heating purposes, is toxic, or harmful to human health or safety;
 - (e) that the vapour pressure of gas must not exceed that specified in the notice;

- (f) that gas must not contain any mixture, or more than the quantity specified in the notice of, any mixture, of hydrocarbons, which cannot be liquified at the pressure referred to in paragraph (e);
 - (g) that gas must evaporate under conditions specified in the notice, to the extent specified in the notice;
 - (h) that gas must be of an odour which results from addition to the gas of such agent as the Director, having regard to human health and safety, specifies in the notice; and
 - (i) any other matter, whether of the same kind as, or a different kind from, any of the matters mentioned in paragraphs (a) to (h) inclusive, as the Director considers necessary or desirable to ensure, as safe, efficient, and satisfactory a supply of gas to consumers as is practicable.
- (2a) In fixing the standard, the Director may make declarations as to the matters referred to in subsection (2) so as to apply generally or in a particular case or particular classes of cases.
- (3) The Director may by subsequent public notice, from time to time, alter the standard of gas.
- (4) The selling of gas which is not, at the time of the sale, of the standard as fixed by the Director is an offence, which is punishable notwithstanding any alteration made by the Director to the standard after the commission of the offence and notwithstanding any other enactment.

Penalty: \$100.

[Section 6 amended by No. 12 of 1968 s.2; No. 94 of 1972 s.4 (as amended by No. 19 of 1973); No. 89 of 1994 s.108; No. 78 of 1995 s.65.]

7. Testing of gas

- (1) The Director may cause gas to be tested in such manner and by such person, with such powers of entry and inspection, and with

such protection from hindrance, obstruction, abuse, and assault, as the regulations prescribe.

[(2) and (3) repealed]

- (4) Where the Director causes gas to be tested, the person having the gas for sale shall pay to the Director such fee and such expenses as the regulations prescribe.

Penalty: \$100.

- (5) Where any fee is, or any expenses are, due to the Director under this section and unpaid, the Director may recover the amount of the fee or expenses or both either in a court of competent jurisdiction as a debt due to the Director, or under subsection (6).

- (6) Where a court convicts an offender under subsection (4), the court may, on application being made on behalf of the Director order the amount of the fee or expenses or both to be paid by the offender to the Director, and if the amount is not paid, it is recoverable in the same manner as a penalty.

[Section 7 amended by No. 89 of 1994 ss.107 and 108.]

8. Regulations

The Governor may make such regulations as he considers necessary or desirable for giving effect to the objects, or furthering the purposes, of this Act, and without prejudice to the generality of the power conferred by this section may by regulations so made impose a penalty not exceeding \$100 for breach of a regulation so made.

Schedule

[Parts I and II omitted under the Reprints Act 1984 s.7(4)(e).]

[Part III repealed by No. 111 of 1979 s.3(2).]

[Part IV omitted under the Reprints Act 1984 s.7(4)(e).]

Notes

¹ This is a compilation of the *Liquid Petroleum Gas Act 1956* and includes all amendments effected by the other Acts referred to in the following Table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Liquid Petroleum Gas Act 1956</i>	58 of 1956	27 Dec 1956	Proclaimed 1 Nov 1957 (see section 2 and <i>Gazette</i> 25 Oct 1957 p.2968)
<i>Liquid Petroleum Gas Amendment Act 1968</i>	12 of 1968	26 Sep 1968	26 Sep 1968
<i>Metric Conversion Act 1972</i>	94 of 1972 (as amended by No. 19 of 1973)	4 Dec 1972	The relevant provisions included in this reprint effective from 1 Jul 1973; (see section 2 and <i>Gazette</i> 22 Jun 1973 p.2379)
<i>State Energy Commission Act 1979</i> , section 3(2)	111 of 1979	21 Dec 1979	Proclaimed 1 Feb 1980 (see section 2 and <i>Gazette</i> 1 Feb 1980 p.284)
<i>Energy Corporations (Transitional and Consequential Provisions) Act 1994</i> , Part 7	89 of 1994	15 Dec 1994	Proclaimed 1 Jan 1995 (see section 2(2) and <i>Gazette</i> 23 Dec 1994 p.7069)
<i>Sentencing (Consequential Provisions) Act 1995</i> , Part 46	78 of 1995	16 Jan 1996	Proclaimed 4 Nov 1996 (see section 2 and <i>Gazette</i> 25 Oct 1996 p.5632)

² Repealed by the *Interpretation Act 1984* (No. 12 of 1984) s.77(1).